

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES

Before the Commissioner of Financial and Insurance Services

In the matter of

XXXXX

Petitioner

File No. 87409-001

v

Aetna Life Insurance Company
Respondent

**Issued and entered
this 24th Day of March 2008
by Ken Ross
Commissioner**

ORDER

**I
PROCEDURAL BACKGROUND**

On January 28, 2008, **XXXXX** (Petitioner) filed a request for external review with the Commissioner of Financial and Insurance Services under the Patient's Right to Independent Review Act, MCL 550.1901 *et seq.* The Commissioner reviewed the request and accepted it on February 4, 2008.

The Commissioner notified Aetna Life Insurance Company (Aetna) of the external review and requested the information used in making its adverse determination. Information was received on January 31 and February 15, 2008, from Aetna.

The case presented a medical question so the Commissioner assigned it to an independent review organization, which provided its analysis to the Commissioner on February 15, 2008.

**II
FACTUAL BACKGROUND**

The Petitioner has group health care coverage with Aetna. At 37 weeks gestation the

Petitioner presented with significant gestational hypertension for which her physician prescribed an umbilical artery Doppler study. The study was performed on August 24, 2007, and claims were submitted to Aetna.

Aetna denied coverage for the study saying it was not medically necessary. When the Petitioner appealed, Aetna reviewed the claim but upheld its denial. A final adverse determination was issued January 30, 2008.

III ISSUE

Is Aetna correct in denying coverage for the Petitioner's umbilical artery Doppler study performed on August 24, 2007?

IV ANALYSIS

Petitioner's Argument

The Petitioner says that 4 weeks from her due date she presented with high blood pressure and the umbilical artery Doppler study was performed to assess blood flow through the umbilical cord. The Petitioner says improper blood flow would have been cause for inducing labor.

The Petitioner argues that Aetna should provide coverage for her umbilical artery Doppler study because it was medically necessary for her condition.

Aetna Life Insurance Company's Argument

Aetna asserts that the Petitioner's claims were processed according to the terms of her policy. The policy, in the "General Exclusions" section, has this provision:

General Exclusions Applicable to Health Expense Coverage

Coverage is not provided for the following charges:

- Those for services and supplies not necessary, as determined by Aetna, for the diagnosis, care, or treatment of the disease or injury involved. This applies even if they are prescribed, recommended, or approved by the person's attending physician or dentist.

* * *

- Those for or in connection with services or supplies that are, as determined by

Aetna, to be experimental or investigational. A drug, a device, a procedure, or treatment will be determined to be experimental or investigational if:

there are insufficient outcomes data available from controlled clinical trials published in the peer reviewed literature to substantiate its safety and effectiveness for the disease or injury involved; or

if required by the FDA, approval has not been granted for marketing; or

a recognized national medical or dental society or regulatory agency has determined, in writing, that it is experimental, investigational, or for research purposes; or

the written protocol or protocols used by the treating facility, or the protocol or protocols of any other facility studying substantially the same drug, device, procedure, or treatment, or the written informed consent used by the treating facility or by another facility studying the same drug, device, procedure, or treatment states that it is experimental, investigational, or for research purposes.

Aetna says umbilical artery Doppler studies are only considered medically appropriate for the indication of IUCR, oligohydramnios, discordant twins, and twin-twin transfusion syndrome. Aetna further says its specialty reviewer indicated the Petitioner had an “approximately grown fetus (i.e. not in utero fetal growth restriction) and normal to increased amniotic fluid.”

Aetna argues that the umbilical artery Doppler study was not medically necessary and thus no benefits are payable.

Commissioner's Review

The Petitioner's policy requires that services and treatment be medically necessary. In reviewing adverse determinations that involve issues of medical necessity or clinical review criteria, the Commissioner requests an analysis and recommendation from an independent review organization (IRO). The IRO expert reviewing this case is a licensed physician with a certification in obstetrics and gynecology, an assistant professor at a major university medical center, a member of the American College of Obstetricians and Gynecologists and the American Association of Gynecologic Laparoscopists, and in active practice.

The IRO reviewer noted that in the case file the Petitioner's only complication at the time of

the umbilical artery Doppler study was new onset of maternal hypertension. The IRO reviewer also noted that the Petitioner had an estimated fetal weight (EFW) of 60% along with an amniotic fluid index (AFI) of 24 cm. The IRO reviewer explained that the current standard of care in the medical community indicates the Petitioner's EFW and AFI are within normal limits.

The IRO reviewer further explained current indications for a Doppler study are intra-uterine growth restriction, oligohydramnios, and rare multiple gestation complication -- the use of umbilical artery Doppler studies for maternal hypertension is not recommended in the peer reviewed medical literature. The IRO reviewer determined that medical necessity was not established for the Petitioner's umbilical artery Doppler study.

The Commissioner is not required in all instances to accept the IRO's recommendation. However, the IRO recommendation is afforded deference by the Commissioner; it is based on extensive expertise and professional judgment. The Commissioner can discern no reason why that judgment should be rejected in the present case. Therefore, the Commissioner accepts the findings of the IRO reviewer and finds that the medical necessity of the Petitioner's umbilical artery Doppler study on August 24, 2007, has not been established.

V ORDER

The Commissioner upholds Aetna Life Insurance Company's adverse determination of January 30, 2008. Aetna is not required to provide coverage for the Petitioner's umbilical artery Doppler study.

This is a final decision of an administrative agency. Under MCL 550.1915, any person aggrieved by this Order may seek judicial review no later than sixty days from the date of this Order in the Circuit Court for the county where the covered person resides or in the Circuit Court of Ingham County. A copy of the petition for judicial review should be sent to the Commissioner of the Office of Financial and Insurance Services, Health Plans Division, Post Office Box 30220, Lansing, MI 48909-7720.

